

FISCAL NOTE

TO: Chief Clerk of the Senate
Chief Clerk of the House

FROM: James A. Davenport, Executive Director

DATE: March 6, 1995

SUBJECT: **SB 1380 - HB 795**

This bill, if enacted, will provide for the confiscation of the driver's license of any person arrested for the offense of DUI who registers .10 blood alcohol content or refuses to submit to an alcohol test. An affected driver will be able to request a review of the proposed suspension to the Department of Safety and also has the right to an administrative hearing. The period of revocation, for a person who had no convictions for DUI or Implied Consent during the prior five years, will be for three months. The period of revocation, for a person with one or more convictions during the preceding five years, will be for one year. No restricted or occupational license may be issued until the person has completed a 30-day revocation.

The fiscal impact from enactment of this bill is estimated to be an increase in first year state revenues of \$1,212,000 and an increase in second year state revenues of \$936,000 from the \$25 administrative processing fee, reinstatement fees and other fees. Revenue estimates are based upon an estimated 42,515 DUI offenders of which 90% will pay the \$25 processing fee. An estimated 10% will opt to reinstate before their

criminal hearing paying a \$65 fee in addition to the license cost of \$19.50. Existing revenues in the amount of \$103,500 will be lost from an estimated 1,769 suspensions under the Implied Consent law at \$65 and a 90% conviction rate.

The Department of Safety indicates that enactment of this bill will result in an increase in first year recurring state expenditures of \$1,864,000 and an increase in non-recurring state expenditures of \$406,000. This estimate is based on adding 53 additional positions, equipment, additional computers, additional space and increased postage.

The Department of Safety's estimate assumes 90% of approximately 42,515 possible cases will request an administrative review and that 50% of those will request an administrative hearing.

However, we estimate that enactment of this bill will result in an increase in first year recurring state expenditures of \$835,000 for 27 positions and related costs and one-time expenditures of \$225,000. This estimate assumes approximately 90% of those persons having their driver's license taken will request an administrative review with approximately 25% of those requesting an administrative hearing. This estimate is based on experience of other states in administering a similar law.

The enactment of this bill is also estimated to result in an increase in first year state expenditures in the Attorney General's office for any

person filing a petition in chancery court (other than Davidson County) for the county where the arrest occurred for judicial review. The increase in first year state expenditures cannot be reasonably determined but is estimated not to be significant.

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James A. Davenport". The signature is written in a cursive style with a large, stylized "J" and "D".

James A. Davenport, Executive Director